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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/961,218

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EXAMINER

BHATIA, AJAY M

ART UNIT

PAPER NUMBER

2145

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/961,218

**Applicant(s)**

BROWN ET AL.

**Examiner**

AJAY BHATIA

**Art Unit**

2145

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

In view of the appeal brief filed on 12/13/2007, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-12, 14-15, and 22 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims are directed to computer

instruction as specified in the specification paragraph 19 and therefore fail to fit in a statutory category of invention.

[0019] Cluster controller 20 and hosts 22 each include a processing core with at least one central processing unit (CPU), as well as data storage in communication with the processing core. The data storage is used to hold or encode data and computer instructions for automatically naming the hosts. The data storage may be implemented as one or more hardware components from technologies including random access memory (RAM), read-only memory (ROM), disk drives, other non-volatile memory components, or any other suitable technology. **The computer instructions may also be referred to generally as a program product** or specifically as auto-host-naming software. In alternative embodiments, some or all of the control logic for automatically assigned host names may be implemented in hardware.

Claims 16-21 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has defined a "data processing system" as a computer program in the specification, make the related claims fail to fit in statutory category of invention.

[0032] The auto-host-naming software may execute before any of hosts 22 have booted to an **operating system (OS)**, and once hosts 22 are booted to an operating system, cluster controller 20 can provide the host names to the **operating system in a process**

**of completing preparatory operations in advance of application processing.** For instance, hosts 22 may employ network-based booting, and the host naming process may include an initialization step in which cluster controller 20 loads auto-host-naming software onto each host 22, thereby equipping hosts 22 with the control logic necessary for sending UIDs to cluster controller 20 and otherwise interacting with cluster controller 20. The auto-host-naming software that is loaded into each host may also be referred to as holding-pattern software. For example, each host 22 may feature a set of pre-boot protocol services, such as the services provided by the INTEL preboot execution environment (PXE). The pre-boot protocol services may acquire the holding-pattern software when obtaining a boot image and configuration parameters from cluster controller 20.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 9-11, 16-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (U.S. Patent Application Publication 2002/0161868) in view of Klimenko (Patent Number 5,974,547).

Please note for the application of the prior art, "blank" is equivalent to "without regard to what data, if any is stored on the disk" as per the remarks submitted by the applicant 8/14/06 pages 10-11.

For claim 1, Paul teaches, a method for automatically naming hosts in a distributed data processing system, the method comprising:

receiving unique identifiers (UID) at a cluster controller from each of a plurality of host in communication with the cluster controller, while at least one of the plurality of host is executing a pre boot execution environment (Paul, paragraph 32)

in response to receiving the UIDs, causing the plurality hosts to produce ready signals; (Paul, paragraph 35)

in response to receiving the user input from the first host, associating a first host name with the UID for the first host; (Paul, paragraph 35)

after associating the first host name with the UID for the first host, causing the first host to produce a completion signal; (Paul, )

receiving user input from a second host among the plurality hosts; (Paul, paragraph 51) and

repeating the operations of receiving replies from hosts, associating host names with UIDs, and causing hosts to produce completion signals, until each of the plurality hosts has been named, such that the user input dictates the order in which host names are assigned to the plurality hosts. (Paul, paragraphs 52,64)

Paul fails to clearly disclose, receiving user input from a first host among the plurality hosts, the user input comprising notification of a disk within the first host;

Klimenko teaches, receiving user input from a first host among the plurality hosts, the user input comprising notification of a disk within the first host; (Klimenko, Col. 4 lines 17-63)

Paul and Klimenko are both compatible with each other because they are based upon the remote booting

Paul and Klimenko are both in the same filed of

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Paul with Klimenko because by integrating Klimenko it provides for cost saving at the enterprise level. (Klimenko, Col. 3 lines 43-46)

For claim 2, Paul-Klimenko teaches, the method of claim 1, wherein the operation of associating a first host name with the UID for the first host comprises:

in response to receiving the user input from the first host, transmitting data to the first host; (Klimenko, Col. 4 lines 17-63) and

after transmitting the data to the first host, receiving a reply from the first host, such that the first host name is associated with the UID for the first host in further response to the reply. (Paul, paragraph 35)

For claim 3, Paul-Klimenko teaches, the method of claim 2, further comprising:

providing the cluster controller with a host-name index, wherein: (Paul, paragraph 38)

the operation of transmitting data to the first host comprises transmitting the host-name index to the first host; (Paul, paragraph 35)

the operation of receiving a reply from the first host comprises receiving an incremented host-name index from the first host; and (Paul, paragraph 38)

the operation of associating a host name with the UID for the first host comprises using the host-name index to generate the host name to be associated with the UID for the first host. (Paul, paragraph 38)

For claim 4, Paul-Klimenko teaches, the method of claim 2, further comprising:

providing the cluster controller with a host-name index and a host-name root; (Paul, paragraphs 35, 38) and

providing the multiple hosts with auto-naming logic, wherein: (Paul, paragraphs 35, 38)

the auto-naming logic causes the multiple hosts to transmit the UIDs to the cluster controller; (Paul, paragraphs 35, 38)



the auto-naming logic receives the index in the data from the cluster controller, increments the index, and transmits the incremented index to the cluster controller in the reply; (Paul, paragraphs 35, 38) and

the operation of associating a host name with the UID for the first host comprises using the host-name root and the host-name index to generate the host name to be associated with the UID for the first host. (Paul, paragraphs 35, 38)

For claim 6, Paul-Klimenko teaches, the method of claim 1, wherein the operation of receiving user input from the first host comprises detecting that a blank disk has been inserted into a disk drive of the first host. (Klimenko, Col. 4 lines 17-63) Please note for the application of the prior art, "blank" is equivalent to "without regard to what data, if any is stored on the disk" as per the remarks submitted by the applicant 8/14/06 pages 10-11.

Claims 9-11,16-18 and 22 are directed to the same invention as claims 1-4 and 6. Therefore, the supporting rationale of the rejection to claims 1-4 and 6 applies equally as well to claims 9-11,16-18 and 22.

Claims 5, 7, 8, 12, 14, 15, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (U.S. Patent Application Publication 2002/0161868) in view of Klimenko (Patent Number 5,974,547) in further view of Park (U.S. Patent 5,864,656).

For claim 5, Paul-Klimenko fails to clearly disclose, the method of claim 1, wherein the operation of causing the multiple hosts to produce ready signals comprises activating light emitting diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be named.

Park teaches, the method of claim 1, wherein the operation of causing the multiple hosts to produce ready signals comprises activating light emitting diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be named. (Park, Col. 1 lines 21-51, Col. 4 lines 11-16)

Park is compatible with Paul- Klimenko, because Park is design to interact with bios interrupt requests (Park, Col. 4 lines 11-18)

Park and Paul- Klimenko are both in the field network computer systems (Park Col. 1 lines 52-67)

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine Park with Paul- Klimenko because Park provides a method of observing the status of a device because it is possible that the device has recovers automatically. (Park, Col. 1 lines 60-67)

For claim 7, Paul-Klimenko-Park teaches, the method of claim 1, wherein the operation of causing the first host to produce a completion signal comprises deactivating a light emitting diode (LED) on the first host. (Park, Col. 1 lines 21-51)

For claim 8, Paul-Klimenko-Park teaches, the method of claim 1, wherein the operation of causing the first host to produce a completion signal comprises producing an audible signal to indicate that the first host has been named. (Park, Col. 1 lines 21-51) and (Paul, paragraph 26)

Claims 12, 14, 15, 19 and 21 are directed to the same invention as claims 5, 7, and 8. Therefore, the supporting rationale of the rejection to claims 5, 7, and 8 applies equally as well to claims 12, 14, 15, 19 and 21.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M-H 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145